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The Reorganization of County Government in 1913 and 1914. The question of reorganization of county government has gained sufficient attention to cause concerted efforts toward a regeneration of the various county systems now in vogue. Legislation was enacted or proposed in several States in 1913 and 1914 on phases of this subject. New York made provision¹ by an act of the 1914 legislature for the appointment by the boards of supervisors in any county adjoining a city of the first class, of a commission of taxpayers not exceeding seven in number who are to serve without compensation. The commission is to examine the State laws applicable to the county and the advisability of changing methods and forms of county governments, and investigate the form of government of other cities and counties for the purpose of recommending an improvement in the government and welfare of the people of the county. A report of its investigation, findings, and recommendations are to be made to the board of supervisors of such county. Expenses of the commission in such cases are paid from a tax levied by the supervisors or from other sources.

The movement for county home rule in California offers a possible solution of the county problem. By the adoption of a constitutional amendment² permitting freeholders' charters for counties, any county may frame a charter for its own government consistent with and subject to the State constitution, by the election of a board of fifteen (15) freeholders or by petition signed by fifteen per cent of the qualified electors. The proposed charter must be published for ten (10) days and submitted to the county electorate in not less than thirty (30) nor more than sixty (60) days after the completion of publication. It must be adopted by a majority of the votes cast and before it becomes fully operative, must be ratified by the next succeeding legislature.

Certain provisions relating to boards of supervisors are required to be incorporated in the charters and certain additional provisions may be made in the charter, among others for the care, construction, maintenance, repair, inspection, and supervision of roads, highways, and bridges, with certain limitations as to the formation of districts and the voting of bonds.

Two counties in California have taken the opportunity to inaugurate new charters, namely: San Francisco³ and San Bernardino⁴ counties.

¹ L. 1914, c. 324, p. 921.

² L. 1911, c. 64, p. 2168.

³ L. 1913, c. 5, p. 1484.

⁴ S. L. 1913, c. 33, p. 1652.

The San Bernardino charter provides for the appointment by the board of supervisors of all the county officers, eliminates the fee system, and sets the salary schedule. An amendment has been proposed which provides for the election of a number of the officers instead of the appointment of all of them by the board. This will require a three-fourths vote of the electorate.

The important features of the San Francisco charter may be enumerated.

a. The supervisors—who must be elective under the constitution—the sheriff, the district attorney, and the assessor are chosen by the people. The auditor, the coroner, the county clerk, the public administrator, the recorder, the surveyor, the tax collector, and the treasurer are appointed by the board of supervisors from an eligible list prepared by the civil service commission.

b. The number of deputies, clerks, and attachés in office is fixed by the supervisors, under the charter. Heretofore they were prescribed by the legislature.

c. The justices of peace and constables were formerly elective. Under the charter, the justices remain elective, but the constables are appointed by the sheriff from a list of eligibles prepared by the civil service commission.

d. Constables are made deputy sheriffs, ex-officio, and constitute a constabulary department with the sheriff at its head.

e. All salaries are fixed by the supervisors except the salaries of the supervisors which are stated in the charter, and the salaries of officers and employees of the civil service commission. All fees must be turned over to the board.

f. A short elective list and biennial election of officers has the advantage of a short ballot.

g. The creation of a road department with a road commissioner to act under the rules and regulations of the board of supervisors is a new feature.

h. An efficiency board, a civil service commission, and the recall of elective and appointive officers are entirely new provisions.

A plan for organizing and separating the relations of cities and counties known as the county-city plan is being adopted by some of the States.

A constitutional amendment proposed in Oregon provides for a board of directors of three or more to hire a county business manager to hire all the other county officers. The county directors are to

receive no salary, aside from the expense incurred by the office. The board is to lay out general plans for county business and see that the manager is efficient and faithful. The amendment was defeated however at the polls in November, 1914.

The Maryland legislature of 1914 passed an act proposing a constitutional amendment permitting home rule in the city and county of Baltimore.⁵ Upon the demand of the mayor of Baltimore and the city council or on petition of 20 per cent of the registered voters, the board of election supervisors are required to provide for the election of a charter board. If a majority be in favor of the creation of a board, the eleven nominees of the city of Baltimore or the five nominees in the county, receiving the largest number of votes, constitute the charter board. The board is required to prepare and report a charter within six (6) months to the mayor of Baltimore or president of the board of county commissioners. This charter is to be published within thirty days after the report, and submitted to the voters at the next election. If adopted by the people, the charter is to be subject only to the constitution and public general laws of the State.

Every charter adopted under this section is to make provision for a legislative body and a chief executive officer which shall have full power to enact local laws including the power to repeal or amend local laws enacted by the general assembly upon all matters covered by express powers granted. Amendments may be proposed by the mayor and city council of the city of Baltimore or the county council, or by petition signed by not less than 20 per cent of the registered voters of the city or county. The manner of publication and submission of a charter amendment is the same as in the case of a charter.

The classification of counties under a general county law which allows for differences in the number of officers and salaries, has been introduced in some States to relieve the legislature of a large amount of local legislation which would otherwise be fixed at each session.

The California legislature⁶ proposes a constitutional amendment relating to the creation of municipal corporations by general law instead of special laws. Cities and towns organized under this provision may provide for the performance by county officers of certain municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a county charter framed under the constitution.

⁵ L. Md. 1914, c. 416, p. 657.

⁶ L. 1913, c. 90, p. 1732.

Montana amended an act of the 1907 legislature by an act⁷ in 1913 which provides for the classification of counties. This law enumerates the number of county officers, and fixes the compensation of such officers according to the classification. This classification, based upon population, divides the counties into eight different groups; the officers and salaries of each group are enumerated.

Wisconsin⁸ made an attempt to provide for an optional commission plan of government for all counties except those having 250,000 population or more following the general law relating to the commission form of government for cities. This bill did not pass the legislature of 1913.

DOROTHY KETCHAM.

Fellow in Social Science, Indiana University.

⁷ L. 1913, c. 109, p. 451.

⁸ Assembly bill no. 808 was passed by the Assembly 36 aye, 40 no. 24 not voting, 6/11/13. Senate refused concurrence. 1/23/13.